

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-6 remain in the application and are subject to examination. No claims have been withdrawn, amended or canceled.

In "Claim Rejections - 35 USC § 103", items 3-9 on pages 2-4 of the above-identified Office Action, claims 1-6 have been rejected as being obvious over U.S. Patent No. 6,628,941 to Knoblach et al. (hereinafter Knoblach) in view of U.S. Patent No. 5,867,485 to Chambers et al. (hereinafter Chambers) under 35 U.S.C. § 103.

In the Amendment filed February 2, 2005, Applicants perfected priority of German Application 199 29 343.0 so that the effective U.S. filing date of the instant U.S. Application No. 10/673,963 is June 26, 1999.

It was also explained in that Amendment that the Knoblach reference is not available to be applied against the claims of the instant application because Knoblach's effective date as a reference is June 29, 1999, under 35 USC § 102(e).

In "Claim Rejections - 35 USC § 102", item 11 on page 5 of the Office action, the Examiner has acknowledged that the rejections based on Knoblach under 35 USC § 102 have been withdrawn. However, in the latest Office action, Knoblach has now been applied under 35 USC § 103.

Contrary to the actions of the Examiner in applying the Knoblach reference under 35 USC § 103, it is noted that the reference is unavailable FOR ANY PURPOSE. The reference cannot be applied under 35 USC § 102 or 103.

Counsel strongly suggests that if the Examiner has any doubts concerning the non-availability of Knoblach for ANY purpose, the Examiner consult with the Supervisory patent Examiner.

Applicants object to this delay in prosecution of the instant application over an issue which has previously been resolved.

In view of the foregoing, reconsideration and allowance of claims 1-6 are solicited.

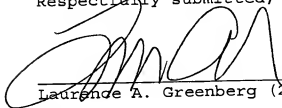
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Appl. No. 10/673,963
Amdt. dated 4/22/05
Reply to Office action of March 30, 2005

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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LAG/bb

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